

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application
Serial No. 09/612,404

Based on U.S. Patent No. 5,776,760

Reissue Filed: July 7, 2000

Inventors:

Gerard F. Barry
Ganesh M. Kishore

Assignee: Pharmacia Corporation

Titled:
GLYPHOSATE TOLERANT PLANTS

Atty Docket: MONY:140/WAA
11914.0140.NPUS00
38-21(13560)B US

**CERTIFICATION UNDER 37 C.F.R. § 3.73 AND
CONSENT OF ASSIGNEE TO REISSUE APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I certify that PHARMACIA CORPORATION is the assignee of the entire interest in U.S. Patent No. 5,776,760, which issued July 7, 1998.

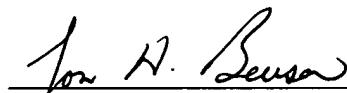
U.S. Patent No. 5,776,760, issued from Serial No. 484,274, filed June 7, 1995, which is a continuation of Serial No. 391,339, filed February 21, 1995 (now U.S. Patent No. 5,463,175), which is a continuation of Serial No. 156,968, filed November 23, 1993 (now abandoned), which is a continuation of Serial No. 717,370, filed June 24, 1991 (now abandoned), which is a continuation-in-part of Serial No. 543,236, filed June 25, 1990 (now abandoned). Priority is claimed under 35 U.S.C. § 120 for each of these applications.

The assignment of Serial No. 717,370 is recorded at reel 5839, frame 0986. The assignment of Serial No. 543,236 is recorded at reel 5387, frame 0078. A copy of the executed

assignments is attached. Also enclosed is certification for the recent name change of MONSANTO COMPANY to PHARMACIA CORPORATION. These documents evidence the chain of title from the inventors to PHARMACIA CORPORATION.

Further, PHARMACIA CORPORATION, as assignee of U.S. Patent No. 5,776,760, consents to the filing of the present application for the reissue of U.S. Patent No. 5,776,760.

I am authorized to act on behalf of assignee PHARMACIA CORPORATION.



Jon H. Beusen
Registration No. 30,610
PHARMACIA CORPORATION

Date: Sept. 5, 2000

Jon H. Beusen
Intellectual Property Counsel
Authorized to sign this document for
Pharmacia Corporation (formerly Monsanto Company)
by resolution dated February 25, 2000
of the Board of Directors

Express Mail Certificate No. 0484568, mailed 6/25/90
S/ No. _____

Return to:

Dennis R. Hoerner, Jr.

Monsanto Company
700 Chesterfield Village Parkway
St. Louis, Missouri 63198

ASSIGNMENT

Filed

07 543236

WHEREAS, We Gerard Francis Barry and Ganesh Murthy Kishore

of 6350 Waterman, St.

Louis, Missouri 63130 and 15354 Grantley Drive, Chesterfield, Missouri 63017,
respectively

have invented certain improvements in GLYPHOSATE TOLERANT PLANTS

38-21(10518)A

and described in a patent application executed by us on the date set after our signature hereto; and

WHEREAS, Monsanto Company, of St. Louis, Missouri, a corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of Five Dollars (\$5.00), the receipt of which is hereby acknowledged, and other valuable consideration, we do hereby sell, assign and transfer unto said Monsanto Company, its successors and assigns, the entire right, title and interest in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application; and in and to any applications filed in any foreign country based thereon, including the right to file said foreign applications under the provisions of the International Convention; also any improvements on said invention or inventions now or hereafter made by us during the period of our employment; also the entire right, title and interest in and to any and all patents or reissues or extensions thereof to be obtained in this or any foreign country upon said invention, inventions, or improvements and any divisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention, inventions, or improvements in this or any foreign country; and we hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Monsanto Company, as assignee of the entire interest.

We further agree, without any payment by Monsanto Company other than expenses incurred by the undersigned, to communicate to said Monsanto Company, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for interference purposes or for other legal proceedings, whenever requested; testify in any interference or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, we have hereunto set our hand s and seal s on the date s
set after our signature s

(L. S.) Gerard Francis Barry, June 25, 1990

(L. S.) Ganesh Murthy Kishore, June 25, 1990

(L. S.) _____, 19_____

State of Missouri
County of St. Louis

REF 5387 FRM 079

On this 25th day of June, 1990, before me personally appeared

Gerard Francis Barry and Ganesh Murthy Kishore
to me known to be the person s described in and who executed the foregoing instrument, and acknowledged that
they executed the same as their free act and deed. In testimony whereof I have hereunto set my
hand and official seal the day and year last above written.

(seal)

NOTARY PUBLIC
STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXPIRES OCT. 26, 1990

Margaret R. Hoerner
Notary Public.

State of _____
of _____

RECORDED
PATENT AND TRADEMARK
OFFICE

JUN 25 1990

On this _____ day of _____, 19_____, before me personally appeared

to me known to be the person _____ described in and who executed the foregoing instrument, and acknowledged that
executed the same as _____ free act and deed. In testimony whereof I have hereunto set my
hand and official seal the day and year last above written.

(seal)

Notary Public.

My Commission expires _____

G-4527

Return to:
 Dennis R. Hoerner, Jr.
 Monsanto Company
 700 Chesterfield Village Parkway
 St. Louis, Missouri 63198

Serial No.
 Filed

ASSIGNMENT

WHEREAS, we, Gerard Francis Barry and Ganesh Murthy Kishore of 6350 Waterman Avenue, St. Louis, Missouri 631301, and 5354 Grantley Drive, Chesterfield, Missouri 63017, have invented certain improvements in **GLYPHOSATE TOLERANT PLANTS** identified as 38-21(10533)A and described in a patent application executed by us on the dates set after our signatures hereto; and

WHEREAS, Monsanto Company, of St. Louis, Missouri, a corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of five dollars (\$5.00), The receipt of which is hereby acknowledged, and other valuable consideration, we do hereby sell, assign and transfer unto said Monsanto Company, its successors and assigns, the entire right, title and interest in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application; and in and to any applications filed in any foreign country based thereon, including the right to file said foreign applications under the provisions of the International Convention; also any improvements on said invention or inventions now or hereafter made by us during the period of our employment; also the entire right, title and interest in and to any and all patents or reissues or exdivisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention, inventions, or improvements in this or any foreign country; and we hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Monsanto Company, as assignee of the entire interest.

We further agree, without any payment by Monsanto Company other than expenses incurred by the undersigned to communicate to said Monsanto Company, its representatives or agents, any facts relating to any invention, inventions or improvements, including evidence for interference purposes or for other legal proceedings, whenever requested; testify in any interference or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals on the dates set after our signatures.

(LS) Gerard Francis Barry, June 21 1991

(LS) Ganesh Murthy Kishore, June 21 1991

(LS) _____, 19

State of Missouri
 County of St. Louis

On this 21st day of June, 1991, before me personally appeared Gerard Francis Barry and Ganesh Murthy Kishore, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed. In testimony whereof I have hereunto set my hand and official seal the day and year last above written.

(seal)
 Notary Public

My Commission expires:

MARGARET R. HARBER
 NOTARY PUBLIC STATE OF MISSOURI
 ST. LOUIS COUNTY
 MY COMMISSION EXP OCT 28, 1994
 State of Missouri
 County of St. Louis

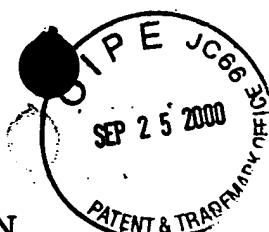
RECORDED
 PATENT & TRADEMARK OFFICE

JUN 24 91

On this _____ day of _____, 1990, before me personally appeared _____ to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed. In testimony whereof I have hereunto set my hand and official seal the day and year last above written.

(seal)
 Notary Public
 My Commission expires:

REF ID: 5839 FRAME 987



1017370

PATENT
38-21(10533)A

AD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

GERARD FRANCIS BARRY and
GANESH MURTHY KISHORE and

SERIAL NUMBER:

FILED: JUNE 24, 1991

TITLE: GLYPHOSATE TOLERANT
PLANTS

GROUP ART UNIT:

EXAMINER:

JUNE 24, 1991

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

Transmitted herewith for filing is the patent application of:

INVENTOR: GERARD FRANCIS BARRY and GANESH MURTHY KISHORE

TITLE: GLYPHOSATE TOLERANT PLANTS

Enclosed are:

Abstract, Specification, Claims and attached Declaration.
 An Assignment of the invention to Monsanto Company, 700 Chesterfield Village Parkway,
St. Louis, Missouri 63198 for recordation.

Also enclosed are:

14 sheets of 12 formal drawings.
 A certified copy of application.
 Prior Art Statement (37 CFR 1.97)

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ST. LOUIS
MISSOURI 63198
BRANCH

REEL 5839 FRAME 986



PTO/SB/54 (12-97)

Approved for use through 9/30/00. OMB 0651-0033

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**REISSUE APPLICATION BY THE ASSIGNEE,
OFFER TO SURRENDER PATENT**

Docket Number (Optional)

MONY:140

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s):

Gerard F. Barry and Ganesh M. Kishore

Patent Number

U.S. Patent No. 5,776,760

Date Patent Issued

July 7, 1998

Title of Invention

Glyphosate Tolerant Plants

Pharmacia Corporation is the assignee of the entire interest in the original patent.

I offer to surrender the original patent.

A certificate under 37 CFR 3.73(b) is attached.

I am authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

Name of assignee

Pharmacia Corporation

Signature of person signing for assignee

Date

Typed or printed name and title of person signing for assignee

Jon H. Beusen

Jon H. Beusen
Intellectual Property Counsel
Authorized to sign this document for
Pharmacia Corporation (formerly Monsanto Company)
by resolution dated February 25, 2000
of the Board of Directors

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Docket Number (Optional)

MONY:140

REISSUE APPLICATION DECLARATION BY THE INVENTORS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,776,760, granted July 7, 1998, and for which a reissue patent is sought on the invention entitled "Glyphosate Tolerant Plants," the specification of which

is attached hereto.

was filed on July 7, 2000 as reissue application number 09/612,404 and was amended by preliminary amendment filed on _____.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

by reason of a defective specification or drawing.

by reason of the patentee claiming more or less than he had the right to claim in the patent.

by reason of other errors.

At least one error upon which reissue is based is described as follows:

The claims issued in U.S. Patent No. 5,776,760 did not claim or specifically claim certain DNA sequences, e.g., SEQ ID NOS:4, 6, 7, 8, and 17.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
MONY:140

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s)

Registration Number

Janelle D. Waack

36,300

Melinda L. Patterson

33,062

Correspondence Address: Direct all communications about the application to:

 Customer Number
Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Howrey Simon Arnold & White, LLP				
Address	750 Bering Drive				
Address					
City	Houston	State	TX	ZIP	77057-2198
Country	USA				
Telephone	(713) 787-1400	Fax	(713) 787-1440		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name): **Gerard F. Barry**

Inventor's Signature

Residence Address:

5555 Pershing Avenue, #2E
St. Louis, Missouri 63112

Date: *Sept. 05, 2000*

Post Office Address (if different from above):

Citizenship:

Republic of Ireland

Full name of second joint inventor (given name, family name): **Ganesh M. Kishore**

Inventor's Signature

Residence Address:

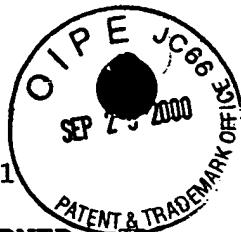
11966 Sackston Ridge Drive
Creve Coeur, Missouri 63141

Date: *Sept. 08, 2000*

Post Office Address (if different from above):

Citizenship:

United States



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 10/08/91

TO:
DENNIS R. HOERNER, JR.
MONSANTO COMPANY-BB4F
700 CHESTERFIELD VILLAGE PARKWAY
ST. LOUIS, MO 63198

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

OCT 29 1991

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WASHINGTON, D.C. 20231

ASSIGNOR: BARRY, GERARD F. DOC DATE: 06/21/91

ASSIGNOR: KISHORE, GANESH M. DOC DATE: 06/21/91

RECORDATION DATE: 06/24/91 NUMBER OF PAGES 002 REEL/FRAME 5839/0986

DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE: MONSANTO COMPANY, A CORP. OF DE

SERIAL NUMBER 7-717370 FILING DATE 06/24/91
PATENT PATENT ISSUE DATE 00/00/00

xc js

717370

Serial No.
Filed

Return to:
Dennis R. Hoerner, Jr.
Monsanto Company
700 Chesterfield Village Parkway
St. Louis, Missouri 63198

ASSIGNMENT

WHEREAS, we, Gerard Francis Barry and Ganesh Murthy Kishore of 6350 Waterman Avenue, St. Louis, Missouri 631301, and 5354 Grantley Drive, Chesterfield, Missouri 63017, have invented certain improvements in GLYPHOSATE TOLERANT PLANTS identified as 38-21(10533)A and described in a patent application executed by us on the dates set after our signatures hereto; and

WHEREAS, Monsanto Company, of St. Louis, Missouri, a corporation of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, in consideration of five dollars (\$5.00), The receipt of which is hereby acknowledged, and other valuable consideration, we do hereby sell, assign and transfer unto said Monsanto Company, its successors and assigns, the entire right, title and interest in and to said invention or inventions, as described in the aforesaid application, in any form or embodiment thereof, and in and to the aforesaid application; and in and to any applications filed in any foreign country based thereon, including the right to file said foreign applications under the provisions of the International Convention; also any improvements on said invention or inventions now or hereafter made by us during the period of our employment; also the entire right, title and interest in and to any and all patents or reissues or divisional, continuation, continuation-in-part or substitute applications which may be filed upon said invention, inventions, or improvements in this or any foreign country; and we hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said Monsanto Company, as assignee of the entire interest.

We further agree, without any payment by Monsanto Company other than expenses incurred by the undersigned to communicate to said Monsanto Company, its representatives or agents, any facts relating to any invention, inventions or improvements, including evidence for interference purposes or for other legal proceedings, whenever requested; testify in any interference or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals on the dates set after our signatures.

(LS) Gerard Francis Barry, June 21 1991

REF 5839 FRAME 987



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEP 27 1990

TO: DENNIS R. HOGGAT^{TRADE} JR.
MONSANTO COMPANY -BB4F
700 CHESTERFIELD VILLAGE PARKWAY
ST. LOUIS, MO 63198

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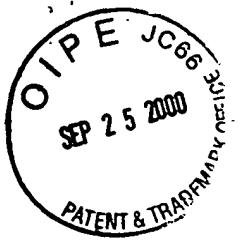
RECORDATION DATE: 06/25/90 NUMBER OF PAGES 002 REEL/FRAME 5387/0078

DIGEST: ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE: 501 MONSANTO COMPANY, ST. LOUIS, MO, A CORP. OF DE

SERIAL NUMBER 7-543236 FILING DATE 06/25/90
PATENT NUMBER ISSUE DATE 00/00/00

Digitized by srujanika@gmail.com



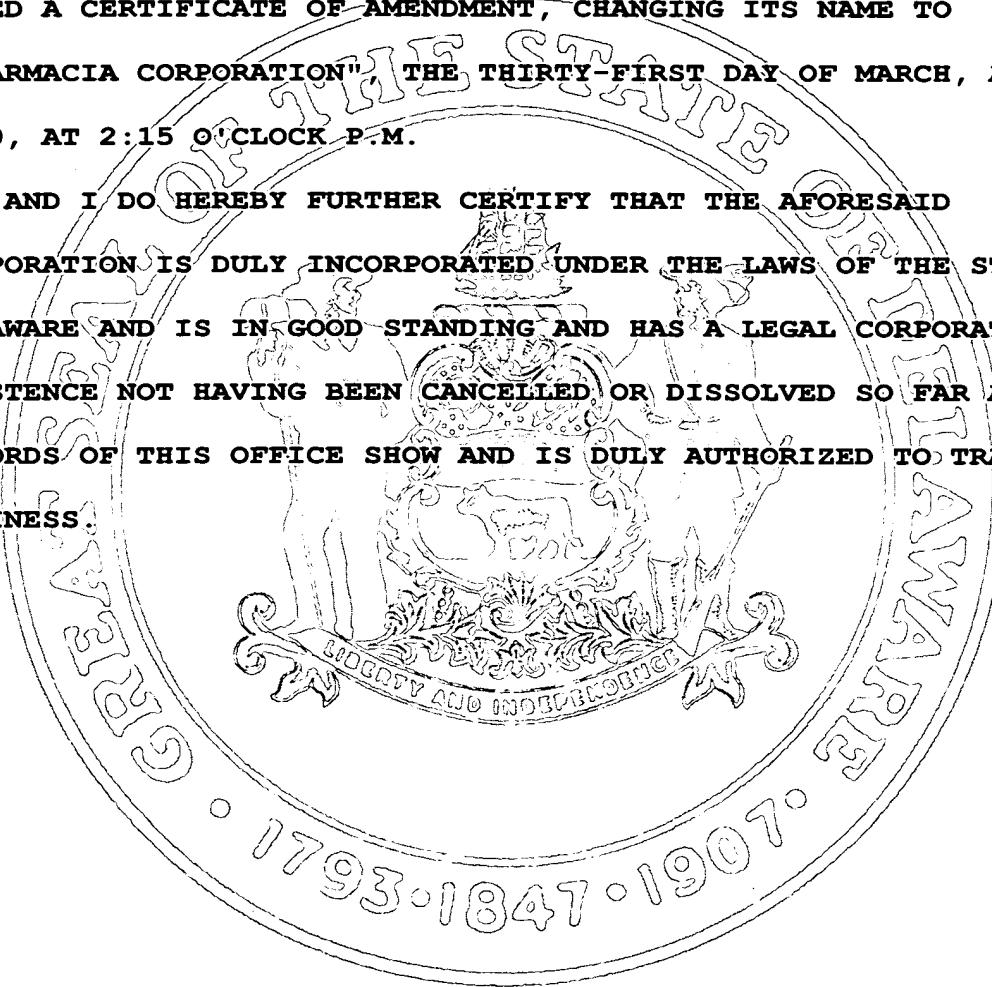
State of Delaware

PAGE 1

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "MONSANTO COMPANY", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "PHARMACIA CORPORATION", THE THIRTY-FIRST DAY OF MARCH, A.D. 2000, AT 2:15 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE NOT HAVING BEEN CANCELLED OR DISSOLVED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANACT BUSINESS.



Edward J. Freel, Secretary of State

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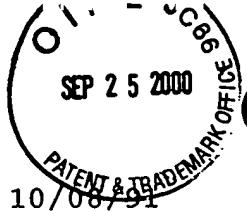
001222724

AUTHENTICATION:

0413788

DATE:

05-02-00



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 10/08/91

TO:
DENNIS R. HOERNER, JR.
MONSANTO COMPANY-BB4F
700 CHESTERFIELD VILLAGE PARKWAY
ST. LOUIS, MO 63198

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WASHINGTON, D.C. 20231

ASSIGNOR:

DOC DATE: 06/21/91

BARRY, GERARD F.

ASSIGNOR:

DOC DATE: 06/21/91

KISHORE, GANESH M.

RECORDATION DATE: 06/24/91 NUMBER OF PAGES 002 REEL/FRAME 5839/0986

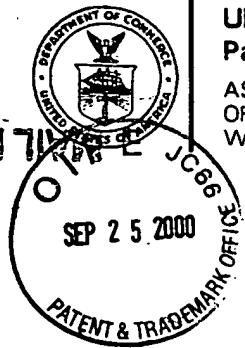
DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:

MONSANTO COMPANY, A CORP. OF DE

SERIAL NUMBER 7-717370 FILING DATE 06/24/91
PATENT PAPER ISSUE DATE 00/00/00

XC JS



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEP 27 1990

TO: DENNIS R. HOERNER, JR.
MONSANTO COMPANY -BB4F
700 CHESTERFIELD VILLAGE PARKWAY
ST. LOUIS, MO 63198

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DIGEST: ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE: 501 MONSANTO COMPANY, ST. LOUIS, MO. A CORP. OF DE

SERIAL NUMBER 7-543236 FILING DATE 06/25/90
PATENT NUMBER ISSUE DATE 00/00/00

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